

2004P01641 - Application No. 10/590,757
Response to Office action July 20, 2009
Response submitted September 21, 2009

Remarks/Arguments:

Reconsideration of the application is requested.

In item 1 on page 2 of the above-identified Office action, claims 5, 6, and 8-11 have been rejected as being fully anticipated by Schneider (U.S. Patent No. 5,820,122) under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 5 calls for, *inter alia*:

a stacking roller positionable in proximity of the stacking compartment.

Claim 5 calls for, *inter alia*:

a deflection roller disposed on an axis and configured to deflect the first belt from the second belt so that the second belt continues to transport a postal item to the stacking roller.

On page 2 of the Office action, the Examiner alleges that Schneider discloses a "device comprising a stacking roller (11)" and "a deflection roller 8 on an axis."

It respectfully noted that the Examiner's allegation is not accurate. Particularly, Schneider discloses that the reference symbols "11" are discs that are disposed on the roller (9) for guiding the belts (6). The roller (8) has similar discs (10) for guiding the belts (5). Schneider discloses that the belts (6) are disposed on the outer circumference of the discs (11) and end their run at the discs (11), as such the belts (6) do not continue on to transport postal items. Therefore, the discs "11" can reasonably be considered deflection rollers for the belts (6). Accordingly, the discs (11) cannot reasonably be considered a stacking roller, as is explicitly required in claim 5 of the instant application. Moreover, Schneider explicitly discloses that the belts (5, 6,) diverge at the same location in the direction of transport due to being guiding about the cylindrical surface of the disks (10, 11) respectively.

Therefore, Schneider does not disclose that the belt (6) continues to transport a postal item to a position further than the position where the belts (5, 6) diverge from each other (or in other words further than the belt 5). However, in order to meet the limitation of claim 5 that the second belt continues to transport a postal item to the stacking roller, the belts (5, 6) would have to diverge at positions that are separated in the direction of transport (as shown in Fig. 1 of the instant application). Therefore, the roller (8) of Schneider does not read on the deflection roller, as recited in claim 5 of the instant application. Accordingly, it is respectfully noted that the Examiner's allegation with respect to the discs (11) and the roller (8) of Schneider, are not accurate.

Moreover, in the response to arguments on page 3 of the Office action the Examiner alleges that "element 8 is a deflection roller that deflects the first belt (5) from the second belt (see Figure 1) and the second belt feeds to the stacking roller (11)."

It is respectfully noted that the Examiner's allegation does not address the claim limitation as recited in claim 5 of the instant application nor does it address applicants' arguments. Specifically, claim 5 recites that the deflection roller

deflects the first belt from the second belt so that the second belt continues to transport a postal item to the stacking roller. The limitation of claim 5 of the instant application, is not that the second belt itself "feeds" to the stacking roller, as alleged by the Examiner. As discussed above, Schneider discloses that the belts (6) wrap around the circumference of the discs (11) and diverge from the belts (5) about the discs (11) at the same position in the direction of travel of the postal items as the belts (5) deflect about the discs (10). Therefore, Schneider does not disclose that the deflection roller deflects the first belt from the second belt so that the second belt continues to transport a postal item to the stacking roller. The above-noted limitation can be achieved by a construction as shown in Fig. 1 of the instant application, but is not achieved by the construction as shown in Fig. 2 of Schneider. Accordingly, it is respectfully noted that the Examiner's allegation with respect to the roller of Schneider, is not accurate.

As seen from the above-given remarks, the reference does not show a stacking roller positionable in proximity of the stacking compartment, as recited in claim 5 of the instant application.

Moreover, as seen from the above-given remarks, the reference does not show a deflection roller disposed on an axis and configured to deflect the first belt from the second belt so that the second belt continues to transport a postal item to the stacking roller, as recited in claim 5 of the instant application.

As seen from the above-given remarks, claim 5 is allowable over Schneider. Since claim 5 is allowable over Schneider, dependent claims 6 and 8-11 are allowable over Schneider as well.

In item 2 on page 2 of the Office action, claim 7 has been rejected as being obvious over Schneider (U.S. Patent No. 5,820,122) under 35 U.S.C. § 103. Since claim 5 is allowable over Schneider, dependent claim 7 is allowable over Schneider as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 5. Claim 5 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 5, they are believed to be patentable as well.

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In view of the foregoing, reconsideration and allowance of claims 5-11 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

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